

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RODERICK DEAN WALKER (#123268),

Plaintiff,

CASE NO. 5:14-CV-11017  
JUDGE JUDITH E. LEVY  
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

RAMESH KILARU and  
JEFFREY STIEVE,

Defendants.

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**ORDER DENYING AS MOOT PLAINTIFF'S JUNE 18, 2014 MOTION (Doc. Ent. 19)**

**A. Background**

Roderick Dean Walker (#123268) is currently incarcerated at the MDOC's Thumb Correctional Facility (TCF) in Lapeer, Michigan. See [www.michigan.gov/corrections](http://www.michigan.gov/corrections), "Offender Search." On March 7, 2014, while incarcerated at TCF, Walker filed a verified prisoner civil rights complaint against two (2) defendants: Ramesh Kilaru, M.D., and Jeffrey Stieve, M.D. Doc. Ent. 1 at 1-7; *see also* Doc. Ent. 1 at 8 (Table of Exhibits), 9-40 (Exhibits A-S).

Defendant Jeffrey C. Stieve, M.D., is represented by the Attorney General of the State of Michigan. Doc. Ent. 10. Defendant Kilaru is also represented by counsel. Doc. Entries 23 & 25. Each of these defendants has filed a dispositive motion which is pending before the Court. See Doc. Entries 11 & 26.

**B. Instant Motion**

This case has been referred to me for pretrial matters.<sup>1</sup> Among the motions currently before the Court is plaintiff's June 18, 2014 motion (Doc. Ent. 19) to order the Attorney General's Office to provide this Court with defendant Kilaru's address so that the U.S. Marshal may serve Kilaru in this case.

It appears that the U.S. Marshal first attempted service upon Kilaru at TCF. *See* Doc. Ent. 6 at 2. However, during March 2014, the U.S. Marshal Service was notified that Kilaru was a non-MDOC employee. *See* Doc. Ent. 8, Doc. Ent. 19 at 2 ¶ 5.

By a letter to the Court dated May 7, 2014, plaintiff asked if Kilaru could be served at Corizon and provided the Court with the address for Corizon's Michigan Regional Office. Doc. Ent. 14. Then, by a letter to the Court dated June 11, 2014, plaintiff sought the status of service upon Kilaru. Doc. Ent. 21 at 2.

On June 26, 2014, the U.S. Marshal acknowledged receipt of documents for service of process upon Kilaru at Corizon's Michigan Regional Office. Doc. Ent. 21 at 1, 3. Kilaru waived service of summons (Doc. Ent. 24), appearances of counsel have been filed on behalf of Kilaru (Doc. Entries 23 and 25), and Kilaru has filed an August 22, 2014 motion to dismiss (Doc. Ent. 26).

### **C. Order**

Upon consideration, plaintiff Walker's June 18, 2014 motion (Doc. Ent. 19) is DENIED AS MOOT. Defendants' dispositive motions (Doc. Entries 11 and 26) and plaintiff's remaining motions (Doc. Entries 18 and 22) will be addressed under separate cover.

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<sup>1</sup>On March 10, 2014, Judge O'Meara referred this case to me for pretrial matters. Doc. Ent. 5. On May 13, 2014, the case was reassigned to Judge Levy. Doc. Ent. 15.

**IT IS SO ORDERED.**

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of service of a copy of this order within which to file an appeal for consideration by the district judge under 28 U.S.C. § 636(b)(1).

Dated: September 10, 2014

s/ Paul J. Komives  
PAUL J. KOMIVES  
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on September 10, 2014, electronically and/or by U.S. Mail.

s/Michael Williams  
Case Manager for the  
Honorable Paul J. Komives